
From: Shobaki, Khaldoun (USACAC)
To: Jim Spertus; Christa Culver; Heinz, Judith (USACAC); John Hanusz
Cc: Hughes, James (USACAC) 4; Rollins, William (USACAC); Sartoris, Melanie (USACAC)
Subject: RE: US v. Shih; preliminary exhibit lists
Date: Saturday, April 27, 2019 9:57:29 PM

Jim,

As I noted below, you've repeatedly said in prior letters, and to the Court as recently as last Thursday, that you're fully capable of locating exhibits using bates numbers in the format that you now appear to be objecting to. You've also demonstrated that you're able to identify the exhibits. For example, in Ms. Culver's 4/1/2019 letter, she cited and discussed a large number of exhibits, all of which were identified using the same precise Bates# nomenclature in earlier versions of the list that we sent you. That naming format did not pose a barrier to her ability to look at exhibits a few weeks ago, so it's not clear what has changed.

All of the documents produced have bates numbers with 8 digits and a prefix. There are two prefixes used throughout the discovery: (1) USAO_SHIH for the initial production and for documents produced in the form of Relativity load files, and (2) YC_SHIH for those produced outside of Relativity. All of the documents thus have a bates number that is of the form USAO_SHIH_xxxxxxx or YC_SHIH_xxxxxxx, where the "x" is a digit. The bates numbers have 8 digits in them, so any number that's shorter than 8 digits can be padded with some leading zeros to get to 8 digits (for example, 1234 would be 00001234). The YC_SHIH documents are identified as such in the exhibit list, while the USAO_SHIH documents are identified with the Bates# prefix. That's the same way they are identified in our internal list and in all of the lists that we've sent you dating back to January.

Thanks,
-kal

Khaldoun Shobaki | Assistant United States Attorney

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From: Jim Spertus <jim@spertuslaw.com>
Sent: Saturday, April 27, 2019 9:22 PM
To: Shobaki, Khaldoun (USACAC) <kshobaki@usa.doj.gov>; Christa Culver <cculver@spertuslaw.com>; Heinz, Judith (USACAC) <JHeinz@usa.doj.gov>; John Hanusz <john@spertuslaw.com>
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Subject: RE: US v. Shih; preliminary exhibit lists

Kal,

We cannot use the government's excel spreadsheet to identify exhibits because the government has not used complete Bates-numbers and then randomly inserted or failed to insert placeholder digits. The government also used inconsistent and randomly assigned prefixes. You are incorrect to suggest that "Bates#1545126," is the same as "USAO_SHIH_01545126..". The government has created prefixes such as "Bates #" or "Bates#" or "#" or "YC_SHIH_" and then used 4, 5, 7, or 8 digits following the prefixes. This makes it impossible for us to electronically identify and number the government exhibits, and eliminate duplicates from our list. If the government will not provide full and complete Bates-numbers with correct prefixes and a consistent number of placeholder digits following the prefix, we cannot identify the exhibits and cross-reference them to our own exhibit list to eliminate duplicates.

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This message may contain confidential and privileged information. If it has been sent to you in error, please reply to advise the sender of the error and then immediately delete this message. Thank you.

From: Shobaki, Khaldoun (USACAC) [<mailto:Khaldoun.Shobaki@usdoj.gov>]
Sent: Saturday, April 27, 2019 6:54 PM
To: Christa Culver; Heinz, Judith (USACAC); John Hanusz; Jim Spertus
Cc: Hughes, James (USACAC) 4; Rollins, William (USACAC); Sartoris, Melanie (USACAC)
Subject: RE: US v. Shih; preliminary exhibit lists

Christa,

Thanks for the e-mail. The exhibit list with trial exhibit numbers that we provided yesterday contains the bates numbers for the "USAO_SHIH" production of documents *in exactly the same format* that has been provided to you in each of the multiple versions of the exhibit list over the last few months. Indeed, it's the same format that we are using here at our office.

As your e-mail itself shows, and as you've repeatedly indicated in prior letters, and to the Court as recently as last Thursday, you're fully capable of locating exhibits using those bates numbers. That's the same way that we find them in our discovery database. We've fully complied with all of the Court's orders and requests in connection with the exhibit list. We decline to perform the unnecessary additional word processing you now demand.

Thanks,
-kal

Khaldoun Shobaki | Assistant United States Attorney

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Counsel,

Thank you for providing exhibit lists containing both exhibit numbers and Bates numbers. We are working diligently to provide any objections to the proposed exhibits; however, the irregularities in the Bates numbers on the list are hindering our ability to do so efficiently. Specifically, the Bates numbers do not appear on the list in the same format in which they appear on the face of the government-produced documents. For example, the Bates number for Exhibit No. 2 is described on the exhibit list as "Bates#1545126," but the Bates number on the face of Exhibit No. 2 appears in the following format: "USAO_SHIH_01545126."

Please provide as soon as possible revised copies of the exhibit lists in which the Bates numbers are properly formatted to match the format of the numbers that appear on the discovery, including the prefix and number of digits. Once we receive the full and correct Bates numbers, we will quickly identify any objections to the government's proposed exhibits that we have.

Thank you,
Christa

From: Heinz, Judith (USACAC) <Judith.Heinz@usdoj.gov>
Sent: Friday, April 26, 2019 5:26 PM
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Subject: RE: US v. Shih; preliminary exhibit lists

Counsel:

Attached are the government's preliminary exhibit lists with exhibit numbers as well as Bates numbers. Included on these lists are two additional columns, so that you can indicate whether you object to any exhibit based on authentication, or for some other reason.

Judith A. Heinz
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